Supreme Court, U.S.
FILED
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IN THE

Supreme Court of the United States

LaGretta B. Fisher, Petitioner

V.

State of New Jersey - Respondent

On Petition For Writ of Certiorari To The

U. S. Ct of Appeals for The Third Circuit
U.S. District Ct for the District of N.J.
Superior Ct of N.J., Camden County, Camden, NJ

PETITION FOR WRIT OF CERTIORARI

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35 pp

QUESTIONS PRESENTED FOR REVIEW

1 . Does the Superior Court of New Jersey have subject matter, personal and territorial jurisdiction over a Civil Action Complaint (Tort-Motor Vehicle) involving an alleged accident that occurred in the State of Maryland and the Plaintiff resides in Maryland?

2. Is the policy of the Respondent (State of N.J.) that denies the Petitioner a copy of judgment, without any legal basis or justification, constitutional?

3. Did abuse of discretion or error occur when the District Court allowed the Defendant to usurp its (court) authority under Fed. R. Civ. P. 78?

4. Does the running of the statute of limitations toll before a copy of judgment, needed for appeal, is received?

5. Does the 2-year statute of limitations apply when both the judgment and administrative notice of suspension were received by the defendant (Fisher) over 10 years after the Superior Court Order for Summary Judgment was issued?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page. There is no parent or publicly held company owning 10% or more of the corporation stock.

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APPENDIX B - U. S. Court of Appeals for the Third Circuit Opinion No. 01-2379 filed April 24, 2002. Date entered not provided by the court.

APPENDIX C - U.S. District Court for the District of N.J Order of Dismissal (Civil Action No. 00-cv-5021) entered on May 21, 2001.

APPENDIX D - U.S. Court of Appeals for the Third Circuit SUR Petition for Panel Rehearing Denial No. 01-2379 dated July 11, 2002. Date entered not provided by the court.

APPENDIX E - U.S. District Court of N.J. Order (Civil Action 00cv5021 (SMO) entered July 31, 2002, affirming taxation of costs against the Plaintiff-Appellant in the Amount of $108.40

APPENDIX F - Superior Court of New Jersey order of Summary Judgment (Dismissal) C.A. No. 274117 entered March 6, 1985.

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APPENDIX H - State of New Jersey Motor Vehicle letter to LaGretta Fisher dated may 13, 1997.

APPENDIX I - Supreme Court of the United States letter dated October 7, 2002 to LaGretta B. Fisher, granting a 60-day extension to December 6, 2002 for the submission of corrected petition for writ of certiorari.

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APPENDIX K - U.S. Constitution, Amendment XI

APPENDIX L - U.S. Constitution, Amendment XIV, Section I

APPENDIX M - 28 USC 1254(l)

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CITATION OF ORDERS AND OPINIONS

1. The 3rd U.S. Court of Appeals Judgment No. 01-2379 dated April 24, 2002 and Amendment order dated June 26, 2001 appears at Appendix A and is unpublished. Entered date not furnished.

2. The 3rd U.S. Court of Appeals Opinion No. 01-2379 filed April 24,2002 (entered date not furnished) as appears as Appendix B and is unpublished.

3. U.S. District Court of N.J. (C.A. No. 00-cv-5021) Order entered on May 21, 2001 appears as Appendix C and is unpublished.

4. The 3rd U.S. Court of Appeals opinion No. 01-2379 Denial for Petition for Panel Rehearing dated July 11, 2002 appears as Appendix D. Entered date not furnished.

5. U.S. District Court of N.J. (C.A. No. 00-cv-5021) order entered July 31, 2001, affirming taxation of costs against the Plaintiff-Appellant in the amount of $108.40, appears as Appendix E.

6. Superior Court of New Jersey Order of Summary Judgment (Dismissal) (C.A. 274117) entered March 6, 1985 and appears as Appendix F.

JURISDICTION

The date on which the United States Court of Appeals decided my case was April 24, 2002. A timely petition for rehearing was denied by the United States Court of Appeals on July 11, 2002, and a copy of the order denying rehearing

appears at Appendix D. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(l).

An extension of time to file corrected petition for a writ of certiorari was granted to and including December 6, 2002 by U.S. Supreme Court letter dated October 7, 2002 (which appears in Appendix I).

The date on which the highest state court decided my case was March 6, 1985. A copy of this decision appears in Appendix F. The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

	Appendix
U.S. Constitution, Amend V	J
U.S. Constitution, Amend XI	K
U.S. Constitution, Amend XIV, Section I	L
28 USC 1254(l)	M
28 USC 1257(a)	N
42 USC 1983	O
Fed. Rule of Civ. Proc. 78	P

STATEMENT OF CASE

(a) N.J. District Court Civil Action 00-cv-5021, LaGretta B. Fisher, (Plaintiff) vs State of New Jersey, (Defendant) Complaint was filed on November 20, 2000, alleging that the State of New Jersey, with malice, intent and knowledge violated Plaintiff's constitutional and civil rights to due process as guaranteed by the 5th and 14th Amend. to the U.S. Constitution (Append. j and K) and during the process the Defendant (State of NJ) committed and condoned decisions, actions/inactions and omissions that were procedurally and legally fatal, arbitrary, and capricious. No answer nor counterclaim, so identified, was filed by the defendant, denying nor controverting the undisputable facts and exhibits (consisting of over 90 pages); thus, are deemed admitted.

(b) Civil Action Complaint No. 274117 (APPENDIX G) (Tort-Motor Vehicle) Bruce Haughtling, Plaintiff VS. LaGreta Fisher, Defendant, was filed in the Superior Court of New Jersey in November 1984. Without any notice or legal basis, the case was transferred to "Civil Action", as reflected on the resultant Order for Summary Judgment (APPENDIX F).

The complaint covered an alleged accident that occurred in the State of Maryland on April 7, 1984. Despite the fact that there exists no federal nor state law that provided the Superior Court of New Jersey jurisdiction over the incident that occurred in the State of Maryland nor the Plaintiff, a resident of Maryland, the Superior Court of New Jersey assumed jurisdiction. This lack of jurisdiction can be determined on the face of the Complaint (APPENDIX G).

The complaint further misrepresented Bruce Haughtling as the owner of the vehicle. According to the Baltimore Police Report (Compl.D.C. Civ No. 00-cv5021, Exh A), Bruce Haughtling was only the driver of the vehicle, not the owner. Thus, Bruce Haughtling had no standing to sue. This was further supported by payment made to the owner (Jack Haughtling) by Keystone Insurance Companies for the cost of repairs, less attorney fee, in September 1984 (copies of check included under Compl. CV5021, Exh. B). Approximately 2 months after payment to the owner, Bruce Haughtling file Complaint CA 274117 (APPENDIX G) requesting payment for cost of repairs for the same damages.

The following were not received by the Defendant (Fisher) until almost 10 years after the Superior Court order for Summary Judgment (APPENDIX F) was issued: Superior Court Order dated March 6, 1985 and Plaintiff's attorney Notice of Motion, Request for Admissions (Not Signed) and Certification.

On December 12, 1984, the Defendant (Fisher) filed an Answer, Motion to Dismiss, Brief in Support Affidavit in the Superior Court. Despite the fact that none of the material issues were resolved nor addressed, Superior Court order for Summary Judgment was issued. In Cross v. United States 336 F. 2d 431 (2d Cir. 1964), it was ruled that it is improper to grant

summary judgment where material factual determinations remain at issue.

(c) Superior Court of New Jersey Order for Summary Judgment - Civil Action 274117 (APPENDIX F), copy of which was received by the Defendant July 15, 1993. The order contains blanks, ignoring the following New Jersey Court decision issued years ago. The decision was incorporated into the N.J. Statutes Annotated 2A:16-323

"Signing record of judgment", Notes of Decisions No. 4 "Amendment" states: "After a judgment had been actually signed, no addition could be made to it by insertion of costs or filling up the in toto attingunt clause. Brookfield v. Morse, 12 N.J. 331 (1831)

(d) State of New Jersey Motor Vehicle Services letter dated May 13, 1997 (APPENDIX H). This letter is in response to letter directed to former N.J. Governor Christine Todd Whitman. The letter dated December 11, 1996 attached thereto states, in part,

"The Security Responsibility Law requires that such an appeal must be taken within sixty days after the date of judgment entry; otherwise, suspension of driving and/or registration privileges cannot be withheld pending the outcome of the appeal, unless so ordered by the court".

During conversation with Ms. Ledbetter, I was advised that according to their policy, a copy of the judgment dated July 8, 1985 would not be provided (Compl. 00-cv-5021, Exh. J. Note 28). This judgment is referenced in Appendix H. The existence of the judgment was never denied. Despite demands to the lower courts, copy of the judgment dated July 8, 1985 has not been

received to date and no justification nor legal basis for its suppression has been furnished. Thus, without a copy of the Judgment, all appeal rights have been effectively destroyed.

In Supreme Court decision Fuentes v. Shevlin, 407 U.S. 67, 92 S. Ct. 1983,32 L. Ed.556, (Reh'g denied 409 U.S. 902 (1972), it was ruled that parties whose rights are to be affected are entitled to be heard at a meaningful time; and in order that they may enjoy that right they must be notified.

The suspensions began pursuant to State of New Jersey "Order of Suspension" dated July 7, 1985 (Compl. 00-cv-5021, Exh. H). This order provided that the suspension is in accordance with Judgment dated March 6, 1985 APPENDIX F). The text of this Judgment in no way suggests nor authorizes the suspensions. The issuance of New Jersey letter dated December 11, 1996 advising of appeal rights, over 10 years after the suspensions, is incomprehensible.

(e) Fed. R. Civ. Proc. 78 (Appendix P) - on Dec. 8,2000, the Defendant filed a Notice of Motion to Dismiss in the District Court, pursuant to Fed. R. Civ. P. 78. on the cover sheet,

whereas federal rules were cited in "bold" print, Rule 78 was omitted from the cover page. On an attached "unnumbered" page Rule 78 (not in bold print) was cited. The Defendant (State of New Jersey) requested the Court to rule upon the moving papers submitted, without requiring appearance of counsel, pursuant to Fed. R. Civ. 78. Further, under the Table of Authorities Rule 78 was also missing. No motion nor rule, permitting the submission of a motion under this Rule was issued by the Court, as required. In Motion filed on January 2, 2001, Plaintiff urged the Court to deny the Defendant's Motion. To do so, would deny the Plaintiff right to due process and equal treatment

under the law. The Defendant was successful in usurping the court's authority under Fed. R. Civ. Proc 78 by getting the Complaint dismissed and notwithstanding the Defendant never filed an Answer nor Counterclaim to the Complaint.

(f) 3rd Circuit Opinion filed April 24, 2002 (APPENDIX B) is not signed by a Judge. None of the cases nor doctrines cited by the Respondent or court contain all of material issues and allegations made in this action; e.g,, State policy that suppresses copy of judgment from the litigant, no hearings held, fraud and deliberate violation of Petitioner's right to equal protection under the law and due process. The opinion also states that the 11th Amendment bars the Petitioner's suit.

During the entire judicial process, neither the Respondent nor the court identified nor cited any New Jersey Statute, law, regulation, or procedure upon which the State based its actions and/or inactions. This omission will not act to excuse the Defendant from implementing and complying with the intent and principles of the U.S. Constitution and Acts of Congress, including the following:

> Section 1983 overrides incompatible state law in order to enforce citizens' rights against abusive practices of persons and groups depriving any person of constitutional rights, privileges, or immunities. Rogers v. Saylor, 1988 760 P. 2d 232, 306 or. 267.
>
> Damage actions against the state are permitted in federal court where based on a statute implement the 14th Amend. Rationale: The 14th Amend. overrides the 11th Amend. Fitzpatrick v. Bitzer, 427 U.S. 445 (1976); Pennsylvania v. Union Gas Co., 491 U.S. 1 (1989)

> Local government entities can be sued for damages or other relief if their officials deny any person under color of law, official policy, or established government custom, any rights secured by the Federal Constitution or laws (42 U.S.C. 1983; Monell v. Dept. of Social Services 436 U.S. 658 (1978)

The state itself is a legal abstraction that can be acted upon only through its officers, agents, and employees.

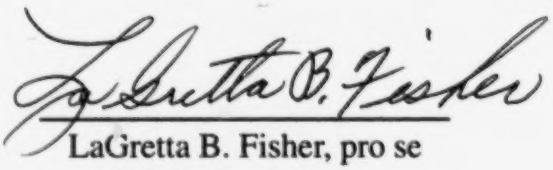
REASONS FOR GRANTING THE PETITION

The totality of the events and circumstances presented in this case clearly demonstrates the Respondent has no concern for the fundamental rights guaranteed by the U.S. Constitution and equal treatment under the law. And, to meet this objective, the Respondent will resort to unethical and unlawful practices. Without your review, the Respondent will have a free hand to do anything to anybody without little, if any, concern. Thus, anyone within the jurisdiction of New Jersey can be an unsuspecting victims of this grave injustice. Most people would not have the resources to challenge the adverse action; thus, forced to accept the inequities. This situation is further aggravated by the fact that one cannot depend on receiving fair and equal treatment under the law from our justice system.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



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Date: Nov. 27, 2002

David Samson
Counsel of Record

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 01-2379

LAGRETTA B. FISHER,

Appellant

v.

*STATE OF NEW JERSEY

*(Amended in accordance with Clerk's Order dated 6/26/01.)

On Appeal From the United States District Court
For the District of New Jersey
(D.C. Civ. No. 00-cv-05021)
District Judge: Honorable Stephen M. Orlofsky

Submitted Under Third Circuit LAR 34.1(a)
November 20, 2001

Before: NYGAARD, MCKEE and GARTH, Circuit Judges.

JUDGEMENT

This cause came on to be heard on the record from the Unites States District Court for the District of New Jersey and was submitted pursuant to Third Circuit LAR 34.1(a). On consideration whereof, it is now here

APPENDIX A

ORDERED AND ADJUDGES by this court that the judgement of the district court entered May 21, 2001, be and the same is hereby affirmed. Costs taxed against the appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron

Clerk

DATED: April 24, 2002

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 01-2379

Fisher v. NJ

To: Clerk

1) Motion by Appellant to Amend Caption

The foregoing Motion is granted. The caption shall be amended to read as follows:

LAGRETTA B. FISHER,
Appellant

v.

STATE OF NEW JERSEY

For the Court,

/s/ Marcia M. Waldron

Clerk

Dated: June 26, 2001
NMB/cc: Ms. LBF
WYO, Esq.

Case No. 01-2379

LAGRETTA B. FISHER,
Appellant

v.

STATE OF NEW JERSEY

UNREPORTED-NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 01-2379

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*(Amended in accordance with Clerk's Order dated 6/26/01.)

On Appeal From the United States District Court
For the District of New Jersey
(D.C. Civ. No. 00-cv-05021)
District Judge: Honorable Stephen M. Orlofsky

Submitted Under Third Circuit LAR 34.1(a)
November 20, 2001

Before: NYGAARD, MCKEE and GARTH, Circuit Judges.

(Filed: April 24, 2002)

OPINION

APPENDIX B

PER CURIAM

LaGretta B. Fisher appeals the district court's dismissal of her civil rights complaint. We will affirm.

Fisher was a driver in an automobile accident that occurred in 1984. She was sued, and a New Jersey state court ordered her to pay $684 in damages plus costs. She did not pay the judgement, and New Jersey suspended her driving and registration privileges in 1985. According to her complaint, which was filed in November 2000, Fisher did not receive proper notice of the judgement. When she attempted to renew her vehicle registration in 1993, a representative of the state's Motor Vehicle Services (MVS) informed her of the suspension. Shortly thereafter, Fisher obtained a copy of the judgement from the state court. The copy troubled her because the amount awarded for cost had been left blank. In May 1997, MVS notified Fisher that it would not provide her with a copy of the state court's judgement.

Fisher's civil-rights complaint, which named only the State of New Jersey as a defendant, alleged that the suspension of her driving and registration privileges was

accomplished without due process. She complained that the state court had acted in the absence of jurisdiction. She alleged that a postal receipt showing that her husband had received documents related to the state-court litigation was a fraud. She asked the district court to (i) order MVS to provide her with an authenticated copy of the state-court judgement, (ii) declare the state court's judgement to be invalid, (iii) order the State to restore her driving and registration privileges, and (iv) award her compensatory and punitive damages. The State filed a motion to dismiss. The district court granted the motion, agreeing that Fisher's suit was barred by the Eleventh Amendment and the Rooker-Feldman doctrine.

The Eleventh Amendment bars suits in federal courts against unconsenting states. Wheeling & Lake Erie Ry. Co. v. Pub. Util. Comm'n of Pa., 141 F.3d 88, 91 (3d Cir. 1998). There are two exceptions: Congress may--if acting in pursuant to some powers--abrogate a state's immunity, and parties may sue *individual* state officers for prospective injunctive and declaratory relief. Id. New Jersey has not waived its Eleventh Amendment immunity, see Port Auth.

of N.Y. & N.J., 819 F.2d 413, 418 (3d Cir. 1987), and Congress did not waive New Jersey's immunity by enacting 42 U.S.C. 1983 and 1985, the civil rights statutes cited by Fisher in her complaint. Quern v. Jordan, 440 U.S. 332, 342 (1979). In addition, because she sued only the state itself, Fisher may not avail herself of the exception permitting suits for prospective injunctive and declatory relief. Seminole Tribe of Fla. v. Florida, 517 U.S. 44, 48 (1996) ("we have often made it clear that the relief sought by a plaintiff suing a State is irrelevant to the question whether the suit is barred by the Eleventh Amendment"). The district court correctly dismissed Fisher's complaint on Eleventh Amendment grounds.

In the right circumstances, we might allow a litigant seeking prospective relief against a state to amend her complaint to name an individual state officer. See Balgowan v. State of N.J., 115 F.3d 214, 217 (3d Cir. 1997). But this is not such an instance. A two-year statute of limitations governs civil-rights claims in New Jersey. Wilson v. Garcia, 471 U.S. 261, 276 (1985); Cito v. Bridgewater Township Police Dept., 892 F.2d 23, 24 (3d Cir. 1989). All of Fisher's

allegations involved events that occurred more--and, in most cases, well more--than two years prior to her initiation of suit. Accordingly, any claims involving these events are time-barred. Moreover, much of her complaint sought to have a federal district court review a prior decision of a state court. As the district court correctly held, federal courts--save the United States Supreme Court--lack jurisdiction to review state-court judgements. See Rooker v. Fidelity Trust Co., 263 U.S. 413, 415 (1923); D.C. Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983). It would, therefore, be pointless to allow Fisher to amend her complaint to name an individual state officer as a defendant. Cf. Roman v. Jeffes, 904 F.2d 192, 915 n.4 (3d Cir. 1990) (noting that a pro se litigant need not be given an opportunity to amend her complaint when no amendment could cure the defect).

For the foregoing reasons, we will affirm the judgement of the district court.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ENTERED ON THE DOCKET
May 21, 2001
WILLIAM T. WALSH, CLERK

LAGRETTA B. FISHER, Plaintiff, v. STATE OF NEW JERSEY, Defendant.	HON. STEPHEN M. ORLOFSKY CIVIL ACTION NO. 00-5021 ORDER

This matter having come before the Court on Defendant's Motion to Dismiss, John J. Farmer, Jr., Esq., Attorney General of New Jersey, and Wanda Y. Ortiz, Esq., Deputy Attorney General, appearing on behalf of Defendant, LaGretta B. Fisher, appearing pro se; and,

The Court having considered the moving papers of the Defendant and Plaintiff's papers in opposition; and,

The Court acknowledging that the State of New Jersey is the only Defendant in this action and that Plaintiff seeks compensatory relief from the State of New Jersey; and,

The Court having determined that Plaintiff's suit for

compensatory damages in this Court against the State of New Jersey is barred by the Eleventh Amendment, see Edelman v. Jordan, 415 U.S. 651, 662-63 (1974) (explaining that " [w]hile the Amendment by its terms does not bar suits against a State by its own citizens, this Court has consistently held that an unconsenting State is immune from suits brought in federal courts by her own citizens as well as by citizens of another State by her own citizens as well as by citizens of another State.

[A] suit by private parties [in Federal Court] seeking to impose a liability which must be paid from public funds in the state treasury is barred by the Eleventh Amendment"); and,

The Court acknowledging the Plaintiff's suit seeks a declaration that a decision and judgement of a New Jersey Superior Court Judge is invalid; and,

The Court acknowledging that Plaintiff contends that the state court decision at issue is invalid because it was erroneously decided; and,

The Court having determined that Plaintiff's suit seeking declaration of the invalidity of a state court

judgement in this Court is barred by the Rooker/Feldman doctrine, see Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983); Parkview Associates Partnership v. City of Lebanon, 225 F.3d 321, 325 (3d Cir. 2000) (describing the Rooker-Feldman doctrine "as precluding lower federal court jurisdiction over claims that were actually litigated of 'inextricably intertwined' with adjudication by a state's courts. Further, we have explained that a federal action is inextricably intertwined with a state adjudication, and thus barred under Feldman, 'where federal relief can only be predicated upon a conviction that the state court was wrong'");

Accordingly, IT IS, on this 21st day of May, 2001, hereby ORDERED that Defendant's Motion to Dismiss Plaintiff's Complaint is GRANTED.

/s/ _____

STEPHEN M. ORLOFSKY
United States District Judge

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 01-2379

LAGRETTA B. FISHER

v.

STATE OF NEW JERSEY

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civ. No. 00-cv005021)

SUR PETITION FOR PANEL REHEARING

BEFORE: NYGAARD, MCKEE and GARTH, Circuit Judges

The Petition for Panel Rehearing filed by the Appellant in the above-entitled matter, having been submitted to the judges who participated in the decision of this court, and no judge who concurred in the decision having asked for rehearing, the Petition for Panel Rehearing is hereby DENIED.

It is so ordered.

DATE: JULY 11, 2002

APPENDIX D

By the Court,

/s/ Richard L. Nygaard
United States Circuit Judge

Fisher was a driver in an automobile accident that occurred in 1984. She was sued, and a New Jersey state court ordered her to pay $684 in damages plus costs. She did not pay the judgement, and New Jersey suspended her driving and registration privileges in 1985. According to her complaint, which was filed in November 2000, Fisher did not receive proper notice of the judgement. When she attempted to renew her vehicle registration in 1993, a representative of the state's Motor Vehicle Services (MVS) informed her of the suspension. Shortly thereafter, Fisher obtained a copy of the judgement from the state court. The copy troubled her because the amount awarded for costs had been left blank. In May 1997, MVS notified Fisher that it would not provide her with a copy of the state's court judgement.

Fisher's civil-rights complaint, which named only the State of New Jersey as a defendant, alleged that the suspension of her driving and registration privileges was accomplished without due process. She complained that the state court had acted in the absence of jurisdiction. She alleged that a postal receipt showing that her husband had received documents related to the state-court litigation was a

fraud. She asked the district court to (i) order MVS to provide her with an authenticated copy of the state-court judgement, (ii) declare the state court's judgement to be invalid, (iii) order the State to restore her driving and registration privileges, and (iv) award her compensatory and punitive damages. The State filed a motion to dismiss. The district court granted the motion, agreeing that Fisher's suit was barred by the Eleventh Amendment and the Rooker-Feldman doctrine.

The Eleventh Amendment bars suits in federal courts against unconsenting states. Wheeling & Lake Erie Ry. Co. v. Pub. Util. Comm'n of Pa., 141 F.3d 88, 91 (3d Cir. 1998). There are two exceptions: Congress may--if acting pursuant to some powers--abrogate a state's immunity, and parties may sue *individual* state officers for prospective injunctive and declaratory relief. Id. New Jersey has not waived its Eleventh Amendment immunity, see Port Auth. Police Benevolent Assoc., Inc. v. Port Auth. of N.Y. & N.J., 819 F.2d 413, 418 (3d Cir. 1987), and Congress did not waive New Jersey's immunity by enacting 42 U.S.C. 1983 and 1985, the civil rights statues cited by Fisher in her complaint. Quern v.

Jordan, 440 U.S. 332, 342 (1979). In addition, because she sued only the state itself, Fisher may not avail herself of the exception permitting suits for prospective injunctive and declaratory relief. Seminole Tribe of Fla. v. Florida, 517 U.S. 44, 48 (1996) ("we have often made it clear that the relief sought by a plaintiff suing a State is irrelevant to the question whether the suit is barred by the Eleventh Amendment"). The district court correctly dismissed Fisher's complaint on Eleventh Amendment grounds.

In the right circumstances, we might allow a litigant seeking prospective relief against a state to amend her complaint to name and individual state officer. See Balgowan v. State of N.J., 115 F.3d 214, 217 (3d Cir. 1997). But this is not such an instance. A two-year statute of limitations governs civil-rights claims in New Jersey. Wilson v. Garcia, 471 U.S. 261, 276 (1985); Cito v. Bridgewater Township Police Dept., 892 F. 2d 23, 24 (3d Cir. 1989). All of Fisher's allegations involved events that occurred more--and, in most case, well more--than two years prior to her initiation of suit. Accordingly, any claims involving these events are time-barred. Moreover, much of her complaint

sought to have a federal district court review a prior decision of a state court. As the district court correctly held, federal courts--save the United States Supreme Court--lack jurisdiction to review state-court judgements. See Rooker v. Fidelity Trust Co., 263 U.S. 413, 415 (1923); D.C. Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983). It would, therefore, be pointless to allow Fisher to amend her complaint to name an individual state officer as a defendant. Cf. Roman v. Jeffes, 904 F.2d 192, 915 n.4 (3d Cir. 1990) (noting that a pro se litigant need not be given an opportunity to amend her complaint when no amendment could cure the defect).

For the foregoing reasons, we will affirm the judgement of the district court.

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ENTERED
ON
THE DOCKET
JUL 31 2002
WILLIAM T.
WALSH,
CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
VICINAGE OF CAMDEN

LAGRETTA B. FISHER,) HON. STEPHEN M. ORLOFSKY, U.S.D.J.

Plaintiff,) Civil Action No. 00-CV-5201 (SMO)

v.) **ORDER**

STATE OF NEW JERSEY,)

Defendant.)

This matter having come to be heard on judgement in lieu of madate from the United States Court of Appeals for the Third Circuit dated July 19, 2002 ordering and adjudging that the May 21, 2001 judgement of this Court to affirmed, and taxing costs against plaintiff-appellant Lagretta B. Fisher in the amount of $108.40 in favor of defendant-appellee State

of New Jersey:

IT IS on this 31st day of July, 2002:

ORDERED that the May 21, 2001 judgement of this Court is affirmed;

IT IS FURTHER ORDERED that costs are taxed against plaintiff-appellant Lagretta B. Fisher and in favor of defendant-appellee State of New Jersey in the amount of $108.40.

/s/ Stephen M. Orlofsky
Stephen M. Orlofsky, U.S.D.J.

SCHUENEMANN & GERCKE & DUMSER
A PROFESSIONAL CORPORATION
30 WASHINGTON AVE. (ENTRY B)
HADDONFIELD, N.J. 08033
(609) 795-5800
ATTORNEYS FOR Plaintiff

Plaintiff	SUPERIOR COURT OF NEW JERSEY LAW DIVISION - CAMDEN COUNTY SPECIAL CIVIL PART
BRUCE HAUGHTLING	***Docket No.*** 274117
vs.	
Defendant	
LAGRETTA FISHER	***CIVIL ACTION*** ORDER

This matter having come before the Court on application of Schuenemann, Gercke & Dumser, Attorney for plaintiff Bruce Haughtling

GOOD CAUSE HAVING BEEN SHOWN;

IT IS, on this 6th day of March 1985 ORDERED that summary judgement be and is hereby granted in favor of plaintiff BRUCE HAUGHTLING against defendant LAGRETTA FISHER in the amount of $684.00 together with interest, attorneys fees and costs in the amount of $

/s/ Samuel L. Supnick
Judge

APPENDIX F

SCHUENEMANN & GERCKE
30 WASHINGTON AVE. (ENTRY B)
HADDONFIELD, N.J. 08033
(609) 795-5800
ATTORNEYS FOR PLAINTIFF

Plaintiff
BRUCE HAUGHTLING
vs.
Defendant(s)
LAGRETTA FISHER

SUPERIOR COURT
OF NEW JERSEY
LAW DIVISION -
CAMDEN COUNTY
SPECIAL CIVIL PART
Docket No. 274117

CIVIL ACTION
COMPLAINT
(Tort-Motor Vehicle)

Plaintiff Bruce Haughtling
residing at 2714 Northshire Drive, Baltimore, Maryland
says:

1. On or about April 7, 1984, *the motor vehicle owned by plaintiff was* travelling westbound on Patapsco Avenue
City *of* Baltimore *County of* Baltimore, Maryland
2. At the time and place of aforesaid, defendant was the owner of a motor vehicle, which was then and there being operated by the defendant LAGRETTA FISHER *in a careless, reckless and negligent manner, causing the defendant's motor vehicle to collide with the plaintiff's motor vehicle.*
3. As a result thereof, plaintiff's motor vehicle was severely damaged, required extensive repairs, was depreciated in value and the plaintiff lost the use of said vehicle.

WHEREFORE, judgement is demanded against defendant(s)

APPENDIX G

for $684.00, *together with costs of suit.*

/s/ _____
Steven E. Feld

DEMAND IS HEREBY MADE for answers to Uniform Interrogatories form E in accordance with the rules of this Court.

All questions, except #'s: *, from Defendant*

All questions, except #'s: *, from Defendant*

MOTOR VEHICLE
SERVICES **TRENTON, NEW JERSEY**

STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION
Division of Motor Vehicles

609-292-7500

May 13, 1997

LaGretta B. Fisher
15 Emlen Ave.
Lawnside, NJ 08045

RE: NJ DL #F4650 43962 53345

Dear Ms. Fisher:

The Office of Governor Whitman has referred your correspondence to Motor Vehicle Services for a reply.

This is a follow-up of our April 9, 1997 phone conversation.

In order to have the July 8, 1985 judgement suspension removed from your record, the Superior Court of Camden County must submit an Order to Vacate.

I have included a signed replica of the December 11, 1996 letter.

I trust this information will suffice.

Sincerely,

/s/ Brenda Ledbetter
Driver Improvement Analyst 1
Driver Control Services

APPENDIX H

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

October 7, 2002

LaGretta B. Fisher
235 Ashland Avenue
Lawnside, NJ 08045

RE: Fisher v. New Jersey

Dear Mr. Fisher:

Returned are 39 copies of the petition for writ of certiorari is the above-entitled case postmarked on October 2, 2002 and received on October 4, 2002, which fails to comply with the Rules of this Court.

The petition must bear a suitable cover consisting of heavy paper, front and back. Rule 33.1 (e).

The order (s) of the U.S. District Court (all orders) must be included in the appendix. Rule 14.1 (i). Each order must be reproduced so that it complies with Rule 33.1.

Kindly correct the petition and appendix so that it complies in all respects with the Rules of the Court and return it to this office promptly so that it may be docketed. Unless the petition is received by this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

Three copies of the corrected petition and your check in the amount of $300.00 in expectation of timely receipt of a

APPENDIX I

properly prepared petition.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
William K. Suter, Clerk
By:

/s/ Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

cc: David Samson

APPENDIX J - U.S. Const. Amend V. - No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when an actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprive of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

APPENDIX K - U.S. Const., Amend. XI. - The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

APPENDIX L - U.S. Const., Amend. XIV, Section I. - All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX M - 28 USC 1254(1) - Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgement or decree.

APPENDIX N - 28 USC 1257 (a) - Final judgements or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

APPENDIX O - USC Title 42 1983 - Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State of Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suite in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

APPENDIX P - Federal Rule 78 - Unless local conditions make it impracticable, each district court shall establish regular times and places, at intervals sufficiently frequent for the prompt dispatch of business, at which motions requiring notice and hearing may be heard and disposed of; but the judge at any time or place and on such notice, if any, as the judge considers reasonable may make orders for the advancement, conduct, and hearing of actions.

To expedite its business, the court may make provision by rule or order for the submission and determination of motions without oral hearing upon brief

written statements of reasons in support and opposition.